

# EXHIBIT 1

Page 2

1 UNITED STATES DISTRICT COURT  
2 FOR THE NORTHERN DISTRICT OF OHIO  
3 WESTERN DIVISION  
4 CASE NO: 3:07-CV-818

5 TINA M. BROWN, )  
6 PLAINTIFF, )  
7 VS. )  
8 HCF OF SHAWNEE, INC., )  
9 DEFENDANTS. ) WITNESS:  
10 ) TINA M. BROWN  
11  
12 \*\*\*\*\*

13 The deposition of TINA M. BROWN, a witness  
14 herein, was taken by the Defendant as upon  
15 Cross-Examination and pursuant to the Federal Rules of  
16 Civil Procedure and agreement of counsel at the Allen  
17 County Courthouse, 301 North Main Street, 2nd Floor, Lima,  
18 Ohio, on February 21, 2008 at 9:37 a.m., before Jennifer  
19 Davis, CSR, a Notary Public.  
20  
21 \*\*\*\*\*

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1 S T I P U L A T I O N S

2 It is stipulated by and between counsel for the  
3 respective parties that the deposition of TINA M. BROWN, a  
4 witness herein, called as upon Cross-Examination by the  
5 Defendants may be taken at this time and place pursuant to  
6 the Federal Rules of Civil Procedure and agreement of  
7 counsel as to the time and place of taking said deposition;  
8 that the deposition was recorded in stenotypy by the court  
9 reporter, Jennifer Davis, CSR, and transcribed out of the  
10 presence of the witness; and that said witness has reserved  
11 signature of said deposition.  
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1 APPEARANCES:

2 On behalf of the Plaintiff,  
3 Nicholas E. Kennedy, Esq.  
4 Kennedy, Reeve & Knoll  
5 98 Hamilton Park  
6 Columbus, Ohio 43203  
7 (614)228-2050  
8 On behalf of the Defendants,  
9 Michael D. Homans, Esq.  
10 Flaster Greenberg  
11 1628 John F. Kennedy Blvd.  
12 15th Floor  
13 Philadelphia, Pennsylvania 19103  
14 (215)279-9379  
15  
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1 I N D E X

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1 come in until I had spoken with Scott or  
2 Jerome. And he said he was aware of the  
3 problem. And I asked him what that was.  
4 And he said your attendance is awful. And  
5 I asked him what he was talking about. And  
6 he said that I had missed so much work.  
7 And I explained to him that I was on FMLA,  
8 and the time that I had missed was probably  
9 under the FMLA, because I only took off to  
10 care of my father. And he said this is not  
11 an FMLA issue. This is an attendance  
12 issue. He was very rude. And he actually  
13 told me, "What do you want me to do? Wipe  
14 the slate clean, and let Tina blame it on  
15 her father?" So, I just basically told him  
16 that I must, I made a mistake calling him  
17 and that was the end of that conversation.

18 Q. Okay. Anything from that conversation that  
19 you recall?

20 A. That's what I remember.

21 Q. Okay. And you said that, in your opinion,  
22 I think you said he was unprofessional or  
23 not professional -- wait, I'm sorry. You  
24 said rude?

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1 A. Yes. I thought it was rude, and it was  
2 unprofessional.

3 Q. And why did you say it was rude, just the  
4 comment about your father or?

5 A. Just the whole conversation. I was trying  
6 to come to him and talk to him, and try to  
7 find out what was going on, because I  
8 didn't understand. And he, I mean, right  
9 off the bat was very rude and sarcastic.  
10 And, basically, I felt like he was just  
11 kind of poo poo'ing me off like it was  
12 unimportant.

13 Q. Right. Did you feel like he disagreed with  
14 what you were saying as far as your  
15 attendance issue?

16 A. Yes.

17 Q. Okay. Okay. Anybody else present for that  
18 conversation?

19 A. No.

20 Q. Okay. By telephone?

21 A. Not on my side, no.

22 Q. It was by telephone?

23 A. Yes.

24 Q. Okay. Okay. After you met for the

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1 termination, and I guess Mr. Okarowski, and  
2 Lori Cecil and Mr. Dennings was there also?

3 A. Yes.

4 Q. After they explained the reason for  
5 termination, did you follow-up with  
6 Mr. Okarowski?

7 A. No.

8 Q. Did you follow-up with the president of the  
9 company?

10 A. No.

11 Q. Okay. Is there a reason you didn't contact  
12 the president?

13 A. Because I felt if I was going to go to  
14 Mr. Okarowski, and I was going to get  
15 treated like that, Mr. Unverferth is  
16 basically the company. I mean, I felt  
17 like, you know, if I could not go to him or  
18 him, then it was going to be a dead end to  
19 go any further than that.

20 Q. Okay.

21 A. It was an FMLA issue.

22 Q. Okay. Do you see the last line on this  
23 problem solving procedure states, "If you  
24 feel you've been subject to discrimination

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1 or retaliation, please contact the Vice  
2 President, Human Resources, or the  
3 President immediately?"

4 A. Yes. I see that.

5 Q. Okay. After you were terminated, did you  
6 contact either one of them?

7 A. No.

8 Q. Okay. Did you feel that you had been  
9 discriminated against or retaliated  
10 against?

11 A. Yes.

12 Q. Okay. But you chose not to contact them?

13 A. I didn't because I tried to contact, I  
14 tried to go to corporate. I went to  
15 Mr. Okarowski.

16 Q. Okay.

17 A. I felt it was a conflict of interest for me  
18 because Scott is an Unverferth.

19 Q. Okay. Okay.

20 MR. HOMANS: Why don't we take a little break now, and  
21 then go to 12:30.

22 (Brief recess.)

23 Q. Let's back up, Ms. Brown, and talk about  
24 your performance at HCF.

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1 they would pick it up.  
 2 Q. Okay.  
 3 A. So he would have to talk to whoever he was  
 4 planning on putting on the schedule.  
 5 Q. And then what would be done as far as the  
 6 written schedule then to show who was  
 7 working?  
 8 A. After he discussed it with you then he  
 9 would put you on the schedule. There was a  
 10 lot of times the schedules were padded.  
 11 Q. Okay. Padded meaning what?  
 12 A. Meaning that they would add people to the  
 13 schedule to make it look like the floors  
 14 were covered. They would put people on  
 15 there that were not scheduled to work.  
 16 Q. Put people on the schedule who were not  
 17 scheduled to work?  
 18 A. Yes.  
 19 Q. Okay. Do you recall that ever happening  
 20 with you?  
 21 A. Yes.  
 22 Q. Do you have any document that shows that?  
 23 A. I don't have any of the actual floor  
 24 schedules, but I know that it has happened

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1 a lot.  
 2 Q. Okay. Did you ever report that to anyone  
 3 during your employment?  
 4 A. Yes.  
 5 Q. Who did you report it to?  
 6 A. The scheduler, Melanie Taylor, the DON.  
 7 Q. Okay. What is the floor schedule?  
 8 A. That's the schedule that tells everybody  
 9 where they are going to work.  
 10 Q. And how often does that come out?  
 11 A. Every day for first, second, and third  
 12 shift.  
 13 Q. Okay. Okay.  
 14 MR. HOMANS: Let's mark this as Exhibit 16.  
 15 (Defendant's Exhibit No. 16 was marked for the purpose of  
 16 identification.)  
 17 Q. You've been handed Exhibit 16 marked Bates  
 18 stamped D117. Is that your handwriting at  
 19 the bottom?  
 20 A. Yes. It is.  
 21 Q. Okay. And this is the schedule for  
 22 February 27, 2005 through March 28, 2005?  
 23 A. Yes.  
 24 Q. Okay. And if I can read this, your

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1 indicating, "I will work PU." Is that  
 2 pick-up?  
 3 A. Yes.  
 4 Q. "On March 2nd, March 9th, March 14th, March  
 5 23rd." And then you put "Third shift  
 6 preferably E, F or float"?  
 7 A. Yes.  
 8 Q. So in this case you did prefer E, F or  
 9 float?  
 10 A. Yes. They allowed us to do that when we  
 11 picked up.  
 12 Q. Okay. But, I mean, you did have a  
 13 preference. It wasn't like every wing is  
 14 equal. You preferred E and F?  
 15 A. I took classes for the Alzheimer's Unit.  
 16 Q. So you did prefer them?  
 17 A. Yes.  
 18 Q. And you state, "I will watch floor schedule  
 19 for my name or you can let me know." Okay.  
 20 So you're telling them you would watch the  
 21 floor schedule to see if you were  
 22 scheduled for these dates?  
 23 A. Yes.  
 24 Q. Okay. And then there's some handwriting up

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1 above, I guess, on some of these dates. Do  
 2 you recognize that handwriting? First, let  
 3 me ask you, there's PU written on the dates  
 4 you indicated?  
 5 A. Yes.  
 6 Q. Do you know whose handwriting that is?  
 7 A. No. I don't.  
 8 Q. Okay. And then like from March 9th there's  
 9 PU and then kind of a line, and it's hard  
 10 to tell on this copy, but it looks like for  
 11 that day and for March 22nd, "no" was  
 12 written. Do you recall that?  
 13 A. No.  
 14 Q. Do you recall on those two dates you  
 15 weren't actually given, you know, put on  
 16 the schedule?  
 17 A. I don't remember being put on the schedule  
 18 for any of those dates.  
 19 Q. Okay. So you don't, when you say you don't  
 20 remember, do you not know whether you were  
 21 scheduled for any of those?  
 22 A. I was not scheduled for any of those dates.  
 23 Q. Okay. You didn't work March 2nd?  
 24 A. The pick-up? I don't think so. I don't